

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

ESTATE OF JOSE R. FELICIANO,)
By and through Jose L. Feliciano and)
Migdalia Rosado, as Administrators of)
The Estate of Jose R Feliciano,)
Plaintiff)
vs.)
KEVIN A. MILES,)
LEROY HOLDING COMPANY, INC.,)
and SLC TRANSPORTS, INC.,)
Defendants)

Civil No. 03-30.308-MAP

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE
REGARDING PLAINTIFF'S EXPERT'S ACCIDENT SIMULATION AND SLIDE
SHOW

The Plaintiffs hereby oppose the Defendants' Motion in Limine seeking to preclude entry into evidence of the Plaintiff's Expert's Accident Simulation and Slide Show. In response the Plaintiffs state the following:

The defendants' motion refers to two proposed exhibits sent to the defense as part of a package of exhibits to discuss and reach agreement on admissibility. The response to these two exhibits is the instant motion. If the defendants are not stipulating to the admission of this exhibit at this time, the plaintiffs agree that foundation must be presented to the court and the jury before the exhibit is offered. In turn, this Motion in Limine is premature and moot as the court has not heard any evidence with respect to how the exhibits were prepared and no determination may be made at this time as to whether these proposed exhibits, if and when offered at trial, are admissible.

WHEREFORE, the plaintiffs hereby request this Honorable Court to deny the defendants' Motion in Limine Regarding Plaintiff's Expert's Accident Simulation and Slide Show.

Respectfully submitted,
By the Plaintiff,
The Estate of Jose R. Feliciano



Samuel M. Radner, Esq.
The Haymond Law Firm, P.C.

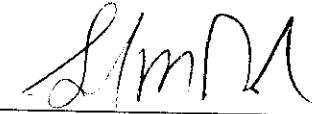
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Plaintiffs Attorneys

Dated: 4/25/05

CERTIFICATION

I, Samuel M. Radner, Esquire hereby certify that a copy of the foregoing was mailed postage pre-paid to the following counsel and pro se parties of record on April 25, 2005:

Kevin G. Murphy, Esquire
Pessalano, Dusel, Murphy & Casartello, P.C.
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Samuel M. Radner, Esquire